

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BRIAN FRESHOUR,

Plaintiff,

v.

CASE NO. 20-3233-SAC

DEALAN HICKS, et al.,

Defendants.

ORDER

This matter is a civil rights action. By order dated February 8, 2021 (ECF No. 17; “MOSC”), the Court directed Plaintiff to show cause why his Complaint should not be dismissed in favor of an ongoing state proceeding under the *Younger* abstention doctrine and because of the unexhausted habeas nature of his claim for release. Before the Court is Plaintiff’s response to the MOSC (ECF No. 18).

Plaintiff’s response argues that he has produced several documents demonstrating the dishonesty and ethical misconduct of the defendants, as well as their violation of state regulations. Plaintiff does not address the application of *Younger* or the finding that his request for release is a habeas corpus claim that must be fully exhausted before being considered by this Court.

Plaintiff has failed to show good cause why his Complaint should not be dismissed.

IT IS THEREFORE ORDERED that Plaintiff’s Complaint (ECF No. 5) is **dismissed** without prejudice.

IT IS SO ORDERED.

DATED: This 4th day of October, 2021, at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge